

DFEH News Brief

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For Immediate Release**

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TENANT DIAGNOSED WITH AIDS RECEIVES \$80,000 SETTLEMENT IN DISABILITY DISCRIMINATION CASE; LANDLORD REFUSED TO ACCEPT THIRD-PARTY CHECKS TO PAY FOR RENT

Sacramento – The Department of Fair Employment and Housing (DFEH) today announced an \$80,000 settlement of a disability discrimination complaint filed by a tenant diagnosed with AIDS against a Los Angeles landlord who refused to make a reasonable accommodation request to accept third-party rental assistance checks. The tenant filed the complaint with DFEH in February 2004.

“Landlords have a legal obligation under California law to provide reasonable accommodation for tenants with disabilities,” said DFEH Director Suzanne M. Ambrose. “Something as reasonable as accepting a third party check to pay the rent of an person with AIDS does not impose an economic hardship for a housing provider. It is unfortunate that instances exist where landlords either ignore or are unaware of their responsibility to provide reasonable accommodation for individuals with disabilities.”

In an action initially filed with the Fair Employment and Housing Commission (FEHC) but subsequently transferred to superior court, the DFEH contended that the tenant lived in the rental unit since 1997. In November of 2002, a new trustee/landlord took control of the housing accommodation. Due to ill-health, the tenant was required to stop working and was receiving only state disability checks. However this was not enough to cover his rent and other expenses each month. He obtained the assistance of a social services organization that provides rental assistance payments for persons with AIDS. The new owner refused to accept the rental assistance payments from the social services organization because the checks could only be made payable to the legal owner, a trust, instead of to the individual.

In March 2003, facing eviction notice, the tenant contacted the Housing Rights Center, a HUD-sponsored nonprofit organization that deals with housing discrimination. Housing Rights Center sent letters to the landlord on behalf of the tenant requesting a reasonable accommodation to accept the rental assistance payments. The tenant also filed a complaint with DFEH. The landlord refused the reasonable accommodation requests. Rather, the landlord returned the third-party checks, served 3-day notices and an unlawful detainer complaint, refused alternative tender of cash rent, and ultimately evicted the tenant from the rental unit. Subsequently, the new trustee/landlord sold the property for a substantial sum while the eviction was in progress.

Prior to pre-trial motions and a scheduled jury trial on the case, the parties reached a settlement. The landlord agreed to pay the tenant \$80,000. The principal owner/trustee, will no longer be involved in the rental of apartments.

DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about DFEH and its services may be obtained by visiting the Department's web site at www.dfeh.ca.gov or by calling (800) 884-1684.

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